***THE HON'BLE SRI JUSTICE N.V. RAMANA**

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+WRIT PETITION NO.34172 OF 1998

%Dated 06.04.2005

#1 K.Ganapathi S/o Muthaiah
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
2 K.Kistaiah S/o Muthaiah
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
3 K.Mysaiah S/o Muthaiah
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
4 K.Laxmamma W/o K.Sandaiah
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
5 K.S.Aroja W/o K.Narasimha
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
6 P.Narasimha Reddy S/o P.hanmanth Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
7 S.Penta Reddy S/o Somi Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
8 S.Komara Reddy S/o Somi Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
9 S.Malla Reddy S/o Srisailam Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
10 S.Pochi Reddy S/o Srisailam Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
11 B.V narayana Reddy S/o Venkatram Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
12 K.Yadi Reddy S/o Mysa Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
13 P.Purushotham Rao S/o Late. Sri Hanmanth Rao
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

14 M.Janardhan Reddy S/o Venkata Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

15 P.Chandramma W/o Sathi Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

16 P.Jairam Reddy S/o Sathi Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

17 P.Amarender Reddy S/o P.Bal Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

18 P.Anthamma W/o P.Bal Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

19 K.Manjula W/o L.Dasharatha
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

20 M.kannamba W/o M.Venkat Reddy
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

21 B.Kondappa S/o Chan Basappa
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

22 Ch.Srisailam S/o Veera bhadrappa
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

23 G.Veeramanamma W/o Veera Basappa
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

24 A.Sharabha Lingam S/o Buchappa
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

25 Arugonda Narsimhulu S/o Late. Mallaiah
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

..... PETITIONERS

VERSUS

$ 1 The District Collector,
Hyderabad District.

2 The Special Deputy Collector, Land Acquisition (Industries),
Hyderabad.

3 Hyderabad Metropolitan Water Supply and Sewerage Board,

Khairatabad, Hyderabad.

(Respondent No.3 is impleaded as per Court order dated 17.02.2005 in WPMP No.22816 of 2004)

.....RESPONDENTS

! Counsel for Petitioners: Mr. B. Siva Reddy

^ Counsel for Respondent Nos.1 and 2: GP for Land Acquisition

Counsel for the Respondent No.3: Smt. M. Venkateswari.

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> HEAD NOTE:

? Cases referred:

1. AIR 1973 SC 552
2. AIR 1973 SC 2361
3. 1997(6) Supreme 169
4. AIR 1993 AP 195
5. 1992 (1) An.W.R. 539(DB)
6. 1998(1) An.W.R.407
7. 2002(2) Supreme 320

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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.34172 of 1998

Between:

1 K.Ganapathi S/o Muthaiah
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
2 K.Kistaiah S/o Muthaiah
R/o Attapur Village , Rajendranagar Mandal ,
RR District.
3 K.Mysaiah S/o Muthaiah
R/o Attapur Village , Rajendranagar Mandal ,
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4 K.Laxmamma W/o K.Sandaiah
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R/o Attapur Village , Rajendranagar Mandal ,

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19 K.Manjula W/o L.Dasharatha
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R/o Attapur Village , Rajendranagar Mandal ,
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25 Arugonda Narsimhulu S/o Late. Mallaiah
R/o Attapur Village , Rajendranagar Mandal ,
RR District.

..... PETITIONERS

AND

1 The District Collector,
Hyderabad District.

2 The Special Deputy Collector, Land Acquisition (Industries),
Hyderabad.

3 Hyderabad Metropolitan Water Supply and Sewerage Board,

Khairatabad, Hyderabad.

(Respondent No.3 is impleaded as per Court order dated 17.02.2005 in WPMP No.22816 of 2004)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the impugned notification in No.G2/5812/97, dt 28-10-98 published in Eenadu daily dt 2-11-98 and published in A.P Gazette dt 6-11-98 issued by the 1st Respondent as illegal and improper and unjust and set aside the same.

Counsel for the Petitioners: MR.B.SIVA REDDY

Counsel for the Respondent Nos1 and 2: GP FOR LAND ACQUISITION

Counsel for the Respondent No.3: Smt. M. Venkateswari.

The Court made the following:

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THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 34172 of 1998

O r d e r:

The petitioners are 25 in number. Except petitioner Nos. 15, 16 and 17, all other petitioners claim to be small farmers owning small extents of land ranging between Ac. 0-10 gts. and Ac. 2-24 gts. in Attapur village, Rajendranagar Mandal, Rangareddy District, either on the strength of pattas or possession or purchase. The further claim that they constructed houses in the said lands and are living therein, and that there are near about 500 houses in the said area. While so, it is the case of the petitioners that respondent No.1-District Collector, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') seeking to acquire the lands mentioned therein, for a public purpose, namely for construction of New Sewerage Treatment Plants (STPs) 25 MLD Capacity, and further dispensing with the enquiry under Section 5-A invoking the urgency clause under Section 17(4) of the Act. It is this notification, which the petitioners seek to challenge in this writ petition on various grounds.

Heard the learned counsel for the petitioners, the learned Government Pleader for Land Acquisition for respondent Nos. 1 and 2 and the learned Standing Counsel for respondent No.3- Hyderabad Metro Water Supply and Sewerage Board (hereinafter referred to as "HMWS&SB").

The learned counsel for the petitioners submitted that the petitioners, except petitioner Nos. 15, 16 and 17 are small farmers, and this is evident from the extent of lands which they are in their possession, and as such, the land in their possession and occupation could not have been acquired by respondent No.1 under the notification, issued under Section 4(1) of the Act, for the purpose of construction of New STPs 25 MLD Capacity, and at any rate, without causing public notice of the substance of the notification, which is mandatory. In support of this submission, he placed reliance on the judgment of the apex Court in **Narinderjit Singh v. State of U.P., State of Mysore v. Abdul Razak and Mohan Singh v. International Airport Authority of India**. He submitted that respondent No.1 has no authority or power to acquire the lands under the Act. He submits that there being no urgency to acquire the lands, respondent No. 1 could not have dispensed with the enquiry under Section 5-A by invoking the provisions of Section 17(4) of the Act, and more so when the lands sought to be acquired are situated in a municipal area. In support of this submission, he placed reliance on two judgments of the Division Bench of this Court in **A.P. Industrial Infrastructure Corpn. Ltd. v. Chalasani Vijaya Lakshmi** and **Damera Seshagiri Rao v. Govt. of A.P.**, and of a learned single Judge of This Court in **N. Anjaneyulu v. Govt. of Andhra Pradesh**. He further submitted that when alternative lands in an extent of Ac.40-00 belonging to the Government and an extent of Ac.6-12 gts. belonging to private persons, was available on the northern side in the village, the action of respondent No.1 in seeking to acquire the wet lands of the petitioners in which they are cultivating various crops, is illegal and arbitrary. He further submitted that if the impugned notification is allowed to be sustained, which has been issued without non-application of mind, near about 500 families would lose their shelter and livelihood. He further submitted that the substance of the draft notification and draft declaration were not published in the Notice Board of the Gram Panchayat, Attapur as by the date they were directed to be published, Attapur Gram Panchayat stood merged with Rajendranagar Municipality, and as such, because of this procedural infirmity, the impugned notification cannot be sustained, and thus prayed that the writ petition be allowed.

On behalf of respondent Nos. 1 and 2, respondent No.2-Special Deputy Collector, Land Acquisition (Industries), Hyderabad, filed counter. The learned Government Pleader for Land Acquisition appearing on their behalf while reiterating the averments of the counter submitted that on receipt of requisition from the General Manager of HMWS&SB, the Requisition Department along with the staff of HMWS&SB, who are technically skilled, inspected the lands, and after satisfying with the suitability of the land needed for acquisition, namely for construction of new STPs 25 MLD, issued notification under Section 4(1) of the Act seeking to acquire the lands mentioned thereunder, which was published in A.P. Gazette No. RR 20 on

6-11-1998, and the draft declaration under Section 6 of the Act, was published in A.P. Gazette No. RR 21 on 9-11-1998. He submitted that the substance of the draft notification and declaration in respect of the lands sought to be acquired, were displayed on the Notice Boards of the Offices of the Mandal Revenue Officer, Rajendra Nagar, Mandal Parishad Development Office C/o Municipal Commissioner, Rajendra Nagar, and Gram Panchayat Office, Attapur on 22-12-1998. He submitted that an extent of Ac.63-13 gts. in different survey numbers, including the lands of the petitioners, was acquired keeping in view the growing sewerage needs and treatment of sewerage water, and having regard to the fact that they are contiguous lands. He denied that about 500 houses existed on the acquired land and submitted that what all structures and trees existed on the lands were published in the draft notification, and in Sy. Nos. 9 and 514, no houses existed. In view of the urgency, the enquiry under Section 5A of the Act was dispensed with, and submitted that whether an enquiry under Section 5-A of the Act is required to be conducted or not is the subjective satisfaction of the Government, and the petitioners cannot say that there is no urgency. He denied the contention of the petitioners that respondent No.1 has no authority or power to acquire the lands, and submitted that the Government have delegated their power to acquire the lands in question to respondent No.1, the lands having been acquired in exercise of power of eminent domain, stood vested in the Government, and as such no exception can be taken to the action of respondent No.1 in acquiring the lands under the impugned notification, and cannot be said that the acquisition is bad in law and without power or authority.

On behalf of respondent No.3-HMWS&SB, the beneficiary of the acquisition, the General Manager (Engineering) Project filed counter affidavit and better affidavit, and separate counter affidavit is also sworn to by the Executive Director. The learned Standing Counsel appearing on their behalf reiterating the averments of the counter-affidavits submitted that the existing sewerage system in the twin cities of Hyderabad and Secunderabad was laid in 1931 covering an area of 54 square kilometers and a population of 4,68,000. The present system is a network of branch sewers which culminate to the only STP located at Amberpet. With the expansion of the twin cities and the every growing population, there arose the need for improving and strengthening the sewerage system. As the sewerage water containing industrial effluents, inorganic and toxic substances is let into the Musi river, the river is getting polluted, thereby affecting the health of the upstream city dwellers, and therefore, with a view to improve and strengthen the existing sewerage system, and make the river free from pollution, the Government have taken a decision to decentralize the sewerage treatment, by disconnecting the sewerage lines which connect to the STP at Amberpt, and accordingly decided to construct new STPs at five different places, and one such STP was proposed at Attapur, and in this connection, the Government have taken a decision to acquire the land in question. Since the lands in question are technically and hydraulically ideal for construction of the STP, the Government sought to acquire them, and though the petitioners contended that other lands are available for acquisition, they are not suitable for they are prone to submergence during monsoon. The STP that is proposed to be constructed in the land in question, which is sought to be acquired for the said

purpose, will treat the sewerage inflows from Rajendranagar, Bahadurpur, Tadbund areas etc. in the South of Musi river and Golconda, Reti Bowli, Toli Chowki and surrounding areas of North of Musi river. The treated sewerage from the new STP at Attapur will be let into the river Musi duly satisfying the water quality as per the standards, and if the land in question is allotted, HMWS&SB will treat about 100 to 120 MLD of sewerage expected to be generated in the catchment areas, whereas if the land in Naidimusalaiguda are is acquired, only 30 MLD of sewerage can be treated and there can be no scope for future expansion. The construction of STPs, is being undertaken under the Musi River Project and with the assistance of National River Action Plan, under the Ministry of Environment, Government of India, who have approved and sanctioned Rs.339.00 crores for construction of five STPs vide their letter dated 5-4-2004, and the Government of Andhra Pradesh have also agreed to contribute 30% of the said amount as their share. He submitted that the works have come to a standstill due to the interim orders dated 28-10-1998 passed by this Court directing respondent No.1 not to take possession of the land. He submitted that if the interim order is not vacated, the authorities of the National River Action Plan will withdraw the sanction, which will result in public being deprived of an improved sewerage system. He, thus justified the impugned notification seeking to acquire the lands in question, and prayed that the interim order be vacated, and the writ petition be dismissed.

The contention of the petitioners that respondent No.1 has no authority or power to issued the impugned notification under Section 4(1) of the Act, has no merit. Though under the Act, the Government alone is empowered to perform and discharge the powers and functions of issuing issue notifications and acquiring private lands, but the fact remains that the Government in exercise of the powers conferred on them by Section 3-A of the Act, delegated all their powers to the District Collectors to exercise all the powers conferred and discharge all the duties imposed on the Government, under Sections 4, 5-A, 6 and sub-section (4) of Section 17 of the Act, for the purpose of acquisition of lands for construction of schools, buildings, reservoirs, roads, choultries etc., by the municipalities in the State, vide G.O. Ms. No. 713, Revenue (K) Department, dated 30-4-1981. Though in the said G.O., the acquisition of lands for the purpose of sewerage is not mentioned, but the Government in the amendment issued to G.O. Ms. No. 713, Revenue (K) Department, dated 30-4-1981, vide G.O. Ms. No. 400 Revenue (K) Department, included in the expression “etc” appearing in G.O. Ms. No. 713, Revenue (K) Department, dated
30-4-1981, “**Water supply, Drainage, and Sewage Scheme**” . The fact of delegation of powers on the District Collectors, which are otherwise exercisable by the Government under the Act, for various purposes does find expression in G.O. Ms. No. 1008, Revenue (K) Department, dated 12-3-1980, G.O. Ms. No. 4288, Revenue (K) Department, dated 11-9-1980, G.O. Ms. No. 964, Revenue (K) Department, dated 14-8-1985, G.O. Ms. No. 20, Revenue (K) Department, dated 8-1-1996 and G.O. Ms. No. 1131, Revenue (K) Department, dated 17-7-1986. Since the lands in question are sought to be acquired for the purpose of constructing a new Sewerage Treatment Plant under the centrally sponsored Sewage Scheme, in view of delegation of powers by the Government on the District Collectors in the G.Os.,

referred to above, respondent No.1 cannot be said to have no authority or power under the Act to acquire private lands by issuing notifications thereunder, and as such, no exception can be taken to the impugned notification issued by respondent No.1 under Section 4(1) of the Act, seeking to acquire the lands in question for construction of a new STP.

The submission of the petitioners that since respondent No.1 did not publish the substance of the draft notification and draft declaration, the impugned notification under Section 4(1) of the Act, seeking to acquire the land in question, is vitiated for procedural violations, and as such, cannot be sustained, is bereft of merit. There can be no doubt that if the substance of the notification is not published in the locality where the land is sought to be acquired, vitiates the whole of the acquisition proceedings, and the reliance placed by the learned counsel for the petitioners on the judgments of the apex Court **Narinderjit Singh v. State of U.P.**, **State of Mysore v. Abdul Razack**, and **Mohan Singh v. International Airport Authority of India**. In the instant case, the record produced by the learned Government Pleader for Land Acquisition shows that after publishing the notification under Section 4(1) of the Act in the official gazette, the Special Deputy Collector, Land Acquisition, Hyderabad, got published the substance of the draft notification and draft declaration in two local news papers – Eenadu (Telugu) daily on 2-12-1998 & 4-12-1998 and Pledge (English) daily on
1-12-1998 and 6-12-1998, the copies whereof are found in the file, and thereafter, vide his letter in Lr. No. C/620/97, dated 18-12-1998 requested the Mandal Revenue Officer, Rajendranagar Mandal, Ranga Reddy District, to cause publication of the substance of the draft notification and draft declaration in the locality i.e. in the Notice Boards of the Mandal Revenue Officer, Mandal Parishad Office, Gram Panchayat and Police Station concerned and also by proclaiming in the village by beat of tom-tom. Pursuant thereto, the Mandal Revenue Officer, got the substance of the draft notification and draft declaration affixed in the Notice Board of his office, and Notice Boards of the Offices of the Mandal Parishad, Rajendranagar, Police Station, Rajendranagar, Gram Panchayat Office, Attapur, and Rajendranagar Municipality, and this is evident from the endorsement made by all the authorities on the letter dated 18-12-1998 of the Special Deputy Collector, Land Acquisition addressed to the Mandal Revenue Officer, which is contained in the file. No doubt by the date the substance of the draft notification and draft declaration were directed to be affixed on the Notice Boards of various offices, the Gram Panchayat, Attapur stood merged in the newly constituted Rajendranagar Municipality, by the Government, vide G.O. Ms. No. 44, M.A., dated 30-1-1987, comprising the panchayat areas of Rajendranagar (Budevel), Katedhan, Mailardevapalli, Gaganpahad, Premavathipet, Laxmiguda, Attapur, Hyderguda, Upparpalli, but inasmuch as the record produced by the Government shows that the substance of the draft notification and draft declaration were affixed on the Notice Board of the old Gram Panchayat Office at Attapur, the petitioners cannot be allowed to contend that as by the date the substance of the draft notification and draft declaration were directed to be published in the locality, the Gram Panchayat, Attapur was not in existence as it stood merged with the Rajendranagar Municipality, respondent No.1 could not have published the substance of the draft notification and draft declaration

at the Gram Panchayat, Attapur, cannot be accepted. In that view of the matter, and having regard to the fact that the substance of draft notification and draft declaration have been affixed on the Notice Boards of the various offices, referred to above, including the old Gram Panchayat Office, Attapur, no procedural violations can be alleged against respondent No.1 in the issuance of notification under Section 4(1) of the Act, entailing its vitiation, and since respondent No.1 had complied with the procedures by affixing the substance of the draft notification and draft declarations in the locality, it can safely be presumed that the proclamation was also made in Attapur village where the lands in question are situated by beat of tom-tom, though the same is denied by the petitioners.

Whether or not there is urgency for acquiring a particular land for public purpose, is a matter that should be left to the subjective satisfaction of the acquisition authority, and it would be justified for this Court to go into the veracity or otherwise of the subjective satisfaction arrived at by the acquisition authority for invoking the provisions of Section 17(4) of the Act to dispense with the enquiry under Section 5-A thereof, unless it is shown that the subjective satisfaction arrived at by the acquisition authority to dispense with the enquiry, had been arrived at without application of mind to the relevant factors. In this context, it would be apt to refer to the decision of the apex Court in **First Land Acquisition Collector v. Nirodhi Prakash Gangoli**, wherein the apex Court considered the question as to whether the Government was justified in invoking their powers under Section 17(1) and (4) of the Act to dispense with the enquiry under Section 5-A thereof, and held thus:

> The question of urgency of an acquisition under Section 17(1) and (4) of the Act is a matter of subjective satisfaction of the Government and ordinarily it is not open to the Court to make a scrutiny of the propriety of that satisfaction on an objective appraisal of facts. In this view of the matter, when the Government takes a decision, taking all relevant considerations into account and is satisfied that there exists emergency for invoking powers under Section 17(1) and (4) of the Act, and issues notification accordingly, the same should not be interfered with by the Court unless the Court comes to the conclusion that the appropriate authority had not applied its mind to the relevant facts or that the decision has been taken by the appropriate authority *mala fide*. Whether in a given situation there existed urgency or not is left to the discretion and the decision of the concerned authority. If an order invoking power under Section 17(4) is assailed, the Courts may enquire whether the appropriate authority had all the relevant materials before it or whether the order has been passed by non-application of mind.

According to the petitioners, respondent No.1 is not justified in invoking the urgency provisions under Section 17(4) of the Act to dispense with the enquiry under Section 5-A thereof, because some of the petitioners sold their lands and some of them have constructed pucca houses in the lands in question. This by no stretch of imagination, can be said to be a ground for respondent No.1 for not invoking the urgency provisions under Section 17(4) of the Act dispensing with the enquiry under Section 5-A thereof, and more so when it is the specific case of the respondents that except some temporary structures without roofs, no permanent structures are found in the lands in question, and that no families are residing therein, and whatever trees existed on the lands in question, were taken note of, and were published in the draft notification. The purpose for which the lands are sought to be acquired, it cannot be

disputed, are for construction of a new STP at Attapur, and the reason for construction of new STPs is to arrest the pollution of the river Musi into which the sewerage water is being let into from 18 nalas. If the lands are not taken possession of immediately, then the construction of the STP would be delayed, resulting in pollution of the river Musi, and therefore, respondent No.1 cannot be said to be not justified in invoking the urgency provisions of Section 17(4) of the Act in dispensing with the enquiry under Section 5-A thereof, and as such, no exception can be taken thereto, particularly when the acquisition is for a public purpose, indirectly concerning the health of the general public. In that view of the matter, reliance placed by the learned counsel for the petitioners on two judgments of the Division Bench of this Court in **A.P. Industrial Infrastructure Corpn. Ltd. v. Chalasani Vijaya Lakshmi** and **Damera Seshagiri Rao v. Govt. of A.P.**, and of a learned single Judge of This Court in **N. Anjaneyulu v. Govt. of Andhra Pradesh,** are of no avail to them.

May be petitioners are small farmers, and the lands sought to be acquired are dry and wet lands, but that by themselves are not grounds for the respondents not to acquire the lands of the petitioners when they are required for public purpose, and more so when it is the case of the respondents that some of the lands are patta lands, endowment lands, and that though other alternative lands are available, they are not suitable for the purpose for which they are required, namely construction of STP. The suitability or otherwise of the land required for acquisition has to be considered in relation to the purpose for which it is required, and this is one of the prime factors, which is required to be considered by the authorities, before seeking to acquire the lands. In the case on hand, the suitability or otherwise of the lands required for acquisition, for the purpose of construction of STP was considered by a joint inspection team comprising the revenue officials and the officials of the HMWS&SB, who are said to be technically qualified in assessing the suitability, and they having considered, selected the lands in different survey numbers, decided to acquire them, and since the lands of the petitioners were contiguous to the lands sought to be acquired, the respondents also selected the lands of the petitioners, and sought to acquire them.

Though petitioners claim to be small farmers, and as such, their interest should be safeguarded and their lands spared from acquisition, but it is the case of the respondents that the lands of the petitioners, are situated in between other lands, and are contiguous to each other, and as such, their lands cannot be spared. If the lands of the petitioners are spared from acquisition, then the contiguity of the acquired lands, which is one of the prime requirement in selecting the lands for construction of STP would be defeated, as no purpose would be served in acquiring lands at different-different places in piecemeal. This apart, it is settled law and needs no reiteration that when individual interest runs into conflict with public interest, public interest should prevail over individual interest. In the instant case, the lands in question are sought to be acquired for public purpose, and the public purpose, according to the respondents is construction of a STP. The respondents, apart from the lands in question, also sought to acquire lands in different places where they proposed to construct STPs under the project Abatement of Pollution of River Musi

under National River Action Plan Assistance.

It is the case of the respondents that the twin cities of Hyderabad and Secunderabad are having an age-old sewerage system laid in 1931, which is a network of sewers, culminating into the Musi river, and by reason of such culmination of sewers, which carry traces of toxic substances and effluents from nearby industries, the river Musi is getting polluted, thereby affecting the health of the general public and of the residents of Hyderabad and Secunderabad directly and indirectly. Therefore, in order to improve and strengthen the existing the age-old sewerage system, HMWS&SB proposed construction of STPs at different places by decentralizing the treatment of sewerage waters, which would result in only treated water being let into the river, thereby controlling the pollution of the river Musi and reducing the chances of the general public running the risk of their health.

This apart, it is stated by HMWS&SB that the proposed construction of STPs at different places is being undertaken by them under the project Abatement of Pollution of River Musi under the National River Action Plan Assistance, under the Ministry of Environment and Forests, Government of India, and that the cost of the project has been estimated at Rs.339.08 crores, and that the Government of India have already accorded their approval and administrative sanction, and also sanctioned an amount of Rs.237.356 crores towards their share of the cost of the project, and the balance of Rs.101.724 crores constituting 30% shall be borne by the State Government, and that if construction of STPs is not taken up immediately they would run the risk of the Government of India withdrawing their approval and sanction for the project, which would be a great loss to the residents of Hyderabad and Secunderabad. The acquisition of the lands being for a public purpose and in public interest, the petitioners cannot have any grievance, and more so when they are being paid compensation by the Government for the acquired lands. Since the construction of STPs is being undertaken under a project, and lands of several persons where the STPs are being constructed are being acquired, and there being the risk of the Government of India withdrawing their approval and sanction for the project, if the construction of STPs is not taken up immediately, which is for the benefit of general public, the petitioners would not be justified in stalling the acquisition proceedings.

For the reasons foregoing, there is no merit in the writ petition, and the same is accordingly dismissed. The interim stay granted by this Court pending disposal of the writ petition, is vacated. No costs.

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N.V. RAMANA, J.

Date: 6th April, 2005.

Note:

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(B/o)

KSR

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SECTION OFFICER

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